

# **NOTICE OF PROBATE** **AND** **PROOF OF MAILING**

## **\*\*Required of Executor by New Jersey State Law\*\***

As Personal Representative of the Decedent you are responsible to notify in writing **all Beneficiaries** and **all Next of Kin** that a Will has been probated. (This **does** include all immediate Next of Kin even if they are not named as Beneficiaries in the Will.)

"personal representative" is used in lieu of executor, executrix and administrator c.t.a.

**PLEASE NOTE:** The Information contained herein is not intended as a comprehensive list of the rights, duties and obligations of an Executor and/or Personal Representative of the Decedent whose Will is being probated and is only provided to you as a courtesy by the Salem County Surrogate's Court. A copy of the New Jersey Court Rule pertaining to the Notice of Probate is attached hereto for reference purposes and not intended as legal advice.

### **FILING INSTRUCTIONS:**

#### **NOTICE OF PROBATE OF WILL PURSUANT TO R. 4:80-6 (page 4 of this packet)**

1. ☐ This action must be taken within **60 days** from the date of Probate.
2. ☐ Fill out the Notice of Probate form (page 4 of this packet)
3. ☐ Make a COPY of the Notice of Probate form for everyone you are sending to.
4. ☐ The **ORIGINAL** Notice of Probate form gets filed with the Surrogate's Court
5. ☐ Mail or hand deliver a copy of the Notice of Probate to everyone you have listed.

**This may be by regular mail; this does not need to be by certified mail.**

#### **PROOF OF MAILING OF NOTICE OF PROBATE OF WILL PURSUANT TO R. 4:80-6 (page 5 of this packet)**

1. ☐ This action must be taken within **10 days** after mailing Notice of Probate
2. ☐ Fill out the Proof of Mailing of Notice of Probate form AFTER you have mailed out the Notice of Probate form to all parties listed.
3. ☐ The **ORIGINAL** Proof of Mailing of Notice of Probate form is filed with the Surrogate's Court.

### **MAILING & PAYMENT:**

1. ☐ Mail both original signature Notice of Probate and Proof of Mailing forms to the Surrogate's Court with the statutory fee of \$10.00. (\$5.00 for the Notice & \$5.00 for the Proof of Mailing)
2. ☐ Check or money order is payable to the Salem County Surrogate's Court.

3. ☐ Mail to:

Honorable Nicki A. Burke  
Salem County Surrogate's Court  
92 Market Street  
Salem, NJ 08079

**NOTE:** Should a charity be mentioned in the Will you must also notify the Attorney General's office at:

NJ Attorney General's Office  
Attn: Charitable Trust Section  
Hughes Justice Complex – CN 112  
Trenton, NJ 08625

(It would be advisable to send a copy of the Last Will & Testament with your mailing to the Attorney General's Office as that office will request a copy.)

Acting Attorney General (current as of April 2016)

Honorable Robert Lougy  
Acting Attorney General State of New Jersey  
Hughes Justice Complex – CN 112  
25 Market Street  
PO Box 112  
Trenton, NJ 08625

### **NEW JERSEY RULES OF COURT – 2016      R. 4:80-6.    Notice of Probate of Will**

Within 60 days after the date of the probate of a will, the personal representative shall cause to be mailed to all beneficiaries under the will and to all persons designated by R.4:80-1(a)(3), at their last known addresses, a notice in writing that the will has been probated, the place and date of probate, the name and address of the personal representative and a statement that a copy of the will shall be furnished upon request. Proof of mailing shall be filed with the Surrogate within 10 days thereof. If the names or addresses of any of those persons are not known, or cannot by reasonable inquiry be determined, then a notice of probate of the will shall be published in a newspaper of general circulation in the county naming or identifying those persons as having a possible interest in the probate estate. If by the terms of the will property is devoted to a present or future charitable use or purpose, like notice and a copy of the will shall be mailed to the Attorney General.

Note: Source-R.R. 4:99-7; former R. 4:80-8 amended and rule redesignated June, 29, 1990 to be effective September 4, 1990.

**R. 4:80-1(a)(3)** The names and addresses of the spouse, heirs, next of kin and other persons, if any, entitled to letters, and their relationships to decedent, and, to the best of the applicant's knowledge and belief, identifying any of them whose names or addresses are unknown and stating further that there are no other heirs and next of kin.

Note: Source-R.R. 4:99-1, 5:3-2; caption of rule, and text of paragraphs (a) and (b) amended, new paragraph (c) adopted, and former paragraph (c) redesignated as paragraph (d) and amended June 29, 1990 to be effective September 4, 1990; paragraph (a) amended June 28, 1996 to be effective September 1, 1996.

### **SAMPLE WORKSHEET FOR ASCERTAINING PARTIES ENTITLED TO NOTICE**

Spouse/Domestic Partner

Address

Beneficiary

Address

Heirs(s)/Next of Kin (relationship)

Address

Charities

Address

STATE OF NEW JERSEY  
SALEM COUNTY SURROGATE'S COURT

**HON. NICKI A. BURKE**

## Surrogate

92 Market Street – Salem, NJ 08079

Phone: (856) 935-7510 Ext. 8323

surrogate@salemcountynj.gov

In the Matter of the Estate of

\_\_\_\_\_, Deceased

a/k/a

**NOTICE OF PROBATE OF WILL  
PURSUANT TO RULE 4:80-6**

Docket No.: \_\_\_\_\_

State of New Jersey - County of Salem

**To:** (List names and addresses of Next of Kin and Beneficiaries and mail a copy to each.)

**PLEASE TAKE NOTICE** that the Will of \_\_\_\_\_ was admitted to probate by the Surrogate of Salem County on \_\_\_\_\_, 20\_\_\_\_\_.

The undersigned personal representative shall furnish you with a copy of the said Will upon request.

Date: \_\_\_\_\_

Personal representative (print name & sign)

Personal representative address

(original of this form and \$5.00 filing fee to Surrogate)

STATE OF NEW JERSEY  
SALEM COUNTY SURROGATE'S COURT

**HON. NICKI A. BURKE**

Surrogate

92 Market Street – Salem, NJ 08079

Phone: (856) 935-7510 Ext. 8323

surrogate@salemcountynj.gov

In the Matter of the Estate of

\_\_\_\_\_, Deceased  
a/k/a

**PROOF OF MAILING OF NOTICE OF  
PROBATE OF WILL PURSUANT TO  
RULE 4:80-6**

Docket No.: \_\_\_\_\_

State of New Jersey

County of Salem

I/We, \_\_\_\_\_, do hereby certify the following:

**1.** I am the Executor of the above estate.

**2.** \_\_\_\_\_, 20\_\_\_\_\_ I forwarded Notice(s) of Probate of Will to all next of kin and all the beneficiaries named in the Will to their last known addresses.

**3.** I forwarded copies of the attached notice(s) by (*Select the method you used*):

\_\_\_\_\_ Regular Mail

\_\_\_\_\_ Express Mail

\_\_\_\_\_ Certified Mail

\_\_\_\_\_ Hand Delivery

Date: \_\_\_\_\_

\_\_\_\_\_  
Personal representative (print name & sign)

\_\_\_\_\_  
Personal representative address

(original of this form and \$5.00 filing fee to Surrogate)